

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Gerardo Garcia

YOB: 1963

United States District Court  
Southern District of Texas  
FILED

United States Citizen

JUN 30 2017

## CRIMINAL COMPLAINT

Case Number:

M-17- 1180 -M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 29, 2017 in Starr County, in the Southern District of Texas defendants(s) did,

(Track Statutory Language of Offense)

**knowing or in reckless disregard of the fact Marvin Alexis Martinez-Pineda, a national of El Salvador, and Yadira Fanny Perez-Juarez, a national of Mexico, along with two (2) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,**

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) **FELONY**

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On June 29, 2017, a Roma Police Officer requested assistance from the Rio Grande City Border Patrol Station to determine alienage on several subjects at a traffic stop. The traffic stop was conducted near the intersection of US Highway 83 and Gilberto Garza Avenue in Roma, Texas.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

 Yes  No

Signature of Complainant

Jon M. Chan

Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Sworn to before me and subscribed in my presence,

June 30, 2017

Date

Dorina Ramos

, U. S. Magistrate Judge

Name and Title of Judicial Officer

  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-17- 1180 -M**

**RE: Gerardo Garcia**

**CONTINUATION:**

A Border Patrol Agent responded to the traffic stop and made contact with the Roma Police Officer. The Police Officer advised the agent that a concerned citizen called and reported that several possible undocumented aliens boarded a red Mitsubishi car on F.M. 650 and provided a partial license plate number. The officer stated he located a vehicle matching the description and the partial license plate number and proceeded to follow the vehicle. While following the vehicle, the officer stated he observed the vehicle swerve on two separate occasions, the second time almost colliding with another vehicle and subsequently conducted a traffic stop.

The agent conducted an immigration inspection of all the vehicle's occupants. The driver was identified as Gerardo GARCIA, a United States Citizen, and the four passengers were determined to be illegally present in the United States. GARCIA and the four undocumented aliens were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

The Roma Police Officer issued GARCIA a warning for failing to maintain a single lane and a citation for driving without a driver license.

**Principal Statement:**

Gerardo GARCIA, a United States Citizen, was advised of his Miranda Rights, stated he understood his rights and declined to answer questions without the presence of an attorney.

**Material Witness Statements:**

Marvin Alexis MARTINEZ-Pineda, a citizen of El Salvador, and Yadira Fanny PEREZ-Juarez, a citizen of Mexico, were advised of their right and stated they understood their rights. MARTINEZ and PEREZ agreed to answer questions without the presence of an attorney.

**Material Witness 1:**

Marvin Alexis MARTINEZ-Pineda claimed he paid a smuggler 3,000 USD prior to departing El Salvador and was to pay 7,000 USD once he arrived to North Carolina. MARTINEZ crossed the Rio Grande River with seven other people and was guided

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**CONTINUATION:**

through brush to the pickup location. At the pickup location, MARTINEZ claimed someone in the group received a phone call and was advised that a red car would arrive to pick up four of them. Shortly after, a red car arrived and the driver lowered the window and instructed them to get in. MARTINEZ stated he boarded the red car and sat in the middle on the back seat.

MARTINEZ identified Gerardo GARCIA in a photo lineup as the driver of the vehicle he was being transported in.

**Material Witness 2:**

Yadira Fanny PEREZ-Juarez claimed she paid 4,000 Mexican Pesos to be smuggled into the United States. PEREZ stated she crossed the Rio Grande River with seven other people and was guided through brush until arriving to the pickup location. PEREZ claimed a person in the group received a phone call and was advised that a red car was going to pickup four of them up. Shortly after, PEREZ stated she boarded the only red four door car in the area and sat on the back seat behind the passenger.

PEREZ identified Gerardo GARCIA in a photo lineup as the driver of the vehicle she was being transported in.